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Pro Se Litigant

**IN THE UNITED STATES DISTRICT COURT DISTRICT FOR
THE DISTRICT OF UTAH**

RUSSELL G. GREER,

Plaintiff

v.

JOSHUA MOON, publisher of the website
Kiwi Farms, **& ET AL**

Defendants

**PLAINTIFF'S PROPOSED SCHEDULING
ORDER (APMR)**

Case No.: 2:24-cv-00421-DBB-JCB

Judge
Magistrate Judge:

Per the Court's 10-14-24 ORDER, the parties shared their proposed scheduling orders. Neither party agreed with the other's proposed scheduling order. Therefore, Plaintiff Russell Greer comes now and submits his proposed scheduling order for the Court to decide on a final scheduling order.

1. PRELIMINARY MATTERS:

This case was initially filed as a case with multiple claims. The remaining claims are for multiple counts of copyright infringement. It is hoped that this can be resolved with the finding of willful infringement and damages being awarded to Plaintiff.

b. Both parties can't agree to the case being presided over by magistrate judge Jared Bennett. Only plaintiff agrees to a magistrate judge.

c. Pursuant to Fed. R. Civ. P. 26(f), Plaintiff reached out to Defendants' counsel Matthew Hardin, on the 17th of October, and both parties cannot agree to a final agreement of a scheduling order.

d. Plaintiff exchanged and filed his initial disclosures, required by Rule 26(a)(1), earlier this year on 5-15-24.

e. Pursuant to Fed. R. Civ. P. 5(b)(2)(D), plaintiff proposes that all items required to be served under Fed. R. Civ. P. 5(a) by either (i) notice of electronic filing, or (ii) email transmission. Such electronic service will constitute service and notice of entry as required by those rules. Any right to service by USPS mail will be made on a case by case basis. That is Plaintiff's proposal.

2. DISCOVERY PLAN:

Plaintiff proposes to the Court the following discovery plan:

a. **Discovery is necessary on the following subjects:** Plaintiff proposes that the subject will be on Greer's copyrights.

b. **Discovery issues:**

Plaintiff proposes that Discovery will be limited to or focused on particular issues. The specific issues proposed are:

- how many times Kiwi Farms users downloaded Greer's copyrights,
- how many individual copyrights of Greer's are exactly on Kiwi Farms.
- how many times Null (Mr. Moon's username on KF) himself viewed the threads on Greer and his copyrights.

c. Designate the discovery methods to be used and the limitations to be imposed.

Plaintiff proposes that Discovery will be done by Mr. Moon searching his site for the above issues and then providing to Greer through email the sought after information.

(1) For oral exam depositions: Plaintiff proposes the following:

Oral Exam Depositions:

Plaintiff 1

Defendants 1

Maximum number of hours per deposition 2

(2) For interrogatories, requests for admissions, and requests for production of documents, specify the maximum number that will be served on any party by any other party: Plaintiff proposes the following:

Interrogatories 1

Admissions 1

Requests for production of documents 1

(3) Other discovery methods: Plaintiff proposes that no other methods are suggested.

d. Discovery of electronically stored information should be handled as follows: Plaintiff proposes that both parties will provide required documentation.

e. Plaintiff proposes that parties have no claims of privilege or protection.

f. Plaintiff proposes that the last day to file written discovery is 11-15-24

g. Plaintiff proposes that the Close of fact discovery 12-10-24.

3. AMENDMENT OF PLEADINGS AND ADDITION OF PARTIES: Plaintiff proposes the following.

a. The cutoff dates for filing a motion to amend pleadings are: 12-10-24 Plaintiff 12/10/24, Defendants 12/10/24

b. The cutoff dates for filing a motion to join additional parties are: 12-10-24 Plaintiff; Defendants 12/10/24.

4. EXPERT REPORTS: Plaintiff proposes the following:

a. The parties will disclose the subject matter and identity of their experts on 12-30-24. Party bearing burden of proof 12/30/24, Counter Disclosures 01-10-25.

b. Reports from experts under Rule 26(a)(2) will be submitted on 01-30-25. Party(ies) bearing burden of proof 2-28-25, Counter Reports 3-31-25.

5. OTHER DEADLINES: Plaintiff proposes the following:

a. Expert Discovery cutoff: 12/30/24

b. Deadline for filing dispositive or potentially dispositive motions including motions to exclude experts where expert testimony is required to prove the case. 12/10/24.

c. Deadline for filing partial or complete motions to exclude expert testimony 12/10/24.

6. ADR/SETTLEMENT:

a. The potential for resolution before trial is: poor.

b. At this time, Defendants have resisted all attempts to settle the case.

c. Plaintiff proposes the parties will re-evaluate the case for settlement/ADR resolution on 12/10/24.

7. TRIAL AND PREPARATION FOR TRIAL:

a. Plaintiff proposes that the parties should have 14 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

b. This case should be ready for trial by: specify date 04-05-25.

Specify type of trial: Jury. Bench, if jury not available.

c. The estimated length of the trial is: 2 days.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'R Greer', with a long horizontal flourish extending to the right.

By:

Russell Greer

Pro Se Litigant

/rgreer

08-12-24

Certificate of Service

Plaintiff affirms that service was made to Defendants via ECF on 11-1-24 and that said attorney for defendants is Matthew Hardin.